In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.6925/06
Kamruddeen and others Vs. State of Rajasthan

Date Of Order :: 17th November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. N.A. Naqvi, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.

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Heard learned counsel for accused petitioners, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that complainant sold the land to accused petitioner Smt. Najeeran Begum on 5/12/2001 by an agreement to sell but when the land value in Jaipur escalated the complainant changed her mind and under the pressure and in connivance of her sons she lodged this FIR. It is also submitted that while complainant objected in the proceedings before the Jaipur Development Authority for transferring the plot in the name of the accused petitioner Smt. Najeeran Begum then accused petitioner Smt. Najeeran send a notice to the complainant through her counsel but no reply was sent by the complainant and thereafter on 26/8/2006 she filed a suit for specific performance in which the complainant appeared and in her presence on 28/8/2006 the order of status-quo was passed

by the civil court and thereafter only on 5/9/2006 this complaint came to be lodged.

Learned Public Prosecutor opposed the bail application and contended that the accused petitioners who are the close relatives of the complainant tried to grab the residential plot of the complainant by fabricating the false documents.

Without making any observation on merits, having considered the rival submissions made at the bar, nature of accusation, material on record, all other facts and circumstances and also keeping in view that it is not the case of the prosecution that the complainant did not sign on the documents but her version in the FIR was that on the pretext to get the land in her name in the record of Jaipur Development Authority some papers were got signed and this matter is subjudice before the competent civil court and after filing of the civil suit this FIR was lodged by the complainant, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Kamruddeen, Babu Khan and Smt. Najeeran Begum.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Kamruddeen, Babu Khan and Smt. Najeeran, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.322/2006 registered at Police Station Brahmpuri, Jaipur City, Jaipur provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and

3. that the petitioners shall not leave India without previous permission of the Court.

(J.R. Goyal),J

VS Shekhawat/-
Jr. P.A.